

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

REBECCA MINOR

PLAINTIFF

v.

Case No. 1:20-cv-1036

LIFE INSURANCE COMPANY OF
NORTH AMERICA and LOCKHEED
MARTIN CORPORATION

DEFENDANTS

ORDER

Before the Court is Plaintiff's Stipulation of Dismissal of Lockheed Martin Corporation. (ECF No. 8). On August 13, 2020, Plaintiff filed the instant Stipulation of Dismissal, stating that she wishes to dismiss her claims against Defendant Lockheed Martin Corporation without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). Rule 41(a)(1)(A)(i) provides that an action may be dismissed by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment."¹ No answer or motion for summary judgment has been filed in this matter. Accordingly, Plaintiff's claims against Defendant Lockheed Martin Corporation are hereby **DISMISSED WITHOUT PREJUDICE**.²

IT IS SO ORDERED, this 25th day of August, 2020.

/s/ Susan O. Hickey

Susan O. Hickey

Chief United States District Judge

¹ There is much debate as to whether Rule 41 allows a plaintiff to dismiss particular claims or parties or if it may only be used to dismiss an action in its entirety. 9 Fed. Prac. & Proc. Civ. § 2362 (3d ed.). Nonetheless, the Court certainly has the power to dismiss a party or claim on motion by the plaintiff. *See Johnston v. Cartwright*, 355 F.2d 32, 39 (8th Cir. 1966) (holding that it is not material when dismissing party on plaintiff's motion if courts act under Rule 15(a) which relates to pleading amendments, Rule 21 which concerns misjoinder, or Rule 41 which concerns dismissal of actions); 9 Fed. Prac. & Proc. Civ. § 2362 (3d ed.). Thus, the Court will consider Plaintiff's Stipulation of Dismissal of Lockheed Martin Corporation pursuant to Rule 41(a)(1)(A)(i).

² Defendant Lockheed Martin Corporation's Motion for Extension of Time to File Answer (ECF No. 19) should be and hereby is **DENIED AS MOOT**.